



## Minutes Formal City Council Meeting November 19, 2009

Minutes of the Formal Council Meeting of Thursday, November 19, 2009, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

**COUNCIL PRESENT:**

Mayor Hugh Hallman  
Vice Mayor Shana Ellis  
Councilmember P Ben Arredondo  
Councilmember Mark W. Mitchell  
Councilmember Joel Navarro  
Councilmember Corey D. Woods

**COUNCIL ABSENT:**

Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 7:36 p.m.

1. Councilmember Navarro gave the invocation.
2. Arizona Veterans Hall of Fame inductees: Hut Hutson, David Lucier and Pete Martinez led the audience in the **Pledge of Allegiance**.

**3. MINUTES**

**A. Approval of Council Meeting Minutes**

Motion by Vice Mayor Ellis to approve the following **COUNCIL MEETING MINUTES**. Second by Councilmember Mitchell. Motion passed unanimously on a voice vote.

1. Council Formal Meeting - November 5, 2009
2. Council Issue Review Session - November 5, 2009
3. Council Executive Session - November 5, 2009
4. Council Transportation Committee - October 27, 2009

**B. Acceptance of Board & Commission Meeting Minutes**

Motion by Vice Mayor Ellis to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Mitchell. Motion passed unanimously on a voice vote.

1. Neighborhood Advisory Commission - Outreach Subcommittee - August 24, 2009
2. Golf Committee - September 2, 2009
3. Fire Public Safety Personnel Retirement - September 10, 2009
4. Police Public Safety Personnel Retirement - September 10, 2009
5. Tempe Aviation Commission - October 13, 2009

6. Hearing Officer - October 20, 2009
7. Special Events Task Force - November 3, 2009
8. Municipal Arts Commission - Advocacy and Communications Sub-Committee - November 3, 2009
9. Housing Trust Fund Advisory Board - October 12, 2009

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

Arizona Veterans Hall of Fame inductees - Hut Hutson, David Lucier and Peter Martinez

Mayor Hallman stated that since the Arizona Veterans Hall of Fame's inception in 2001, a total of 203 men and women have been inducted – of these, there are 26 Medal of Honor recipients, 13 of those being prior to Statehood in 1912. Of the inductees, 122 recipients are living today, of which 9 reside in Tempe. Mayor Hallman then called Hut Hutson, David Lucier and Peter Martinez to the podium for special recognition.

Mayor Hallman announced the Iron Man sport event on Saturday, November 21, 2009.

##### B. Manager's Announcements

#### 5. AGENDA

All items in these minutes identified with an asterisk (\*) **are public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

**Motion by Councilmember Navarro to approve the Agenda. Second by Councilmember Woods. Motion passed on a roll call vote 6-0.**

##### A. Miscellaneous Items

1. Approved the Report of Claims Paid to be filed for audit for the months of July, August, September and October 2009.

##### **COMMENTS**

A copy of the detailed claims reports may be obtained by contacting the City Clerk's Office.

- \*2. Held a public hearing and recommend the approval of a Series 12 restaurant liquor license for DG South Tempe, LLC, dba Dos Gringos Grille, 8000 South Priest Drive.

##### **COMMENTS**

Jesus Manuel Altamirano is the liquor agent.

**DOCUMENT NAME** 20091119LIQ02 LIQ LIC (0210-02)

B. Award of Bids/Contracts

1. Awarded **Contract #2009-219**, a professional services contract with Olsson Associates for inspection and testing of existing steel light poles at various park locations.

**COMMENTS** The total cost for this contract is \$54,198.

**DOCUMENT NAME** 20091119PWDR01 PARKS STUDIES (0112-07) PROJECT NO. 6303084

2. Approved **Contract #2008-136H**, job order no. 8 with SDB, Inc. for ball-field lighting replacement at Diablo Stadium fields 1 and 2. This is a bond-funded project on the approved CIP project list.

**COMMENTS** Total amount of job order no. 8 is \$832,869.91 and the amount of the project contingency is \$83,000.

**DOCUMENT NAME** 20091119PWDR03 DIABLO STADIUM (0706-12) PROJECT NO. 6303083

3. Approved a one-year renewal of a contract with Aquatic Consulting and Testing, Inc. for Tempe Town Lake maintenance for use by the Parks and Recreation Department.

**COMMENTS** (T08-057RB-01) Total cost of this contract shall not exceed \$75,000 for the renewal period.

**DOCUMENT NAME** 20091119fslg01 PURCHASES (1004-01)

4. Approved the utilization of a Houston-Galveston Area Council (H-GAC) contract with General Safety Equipment, LLC for the purchase of one fire pumper apparatus for use by the Fire Department. This is a bond funded project on the approved CIP project list

**COMMENTS** (FS12-07) Total cost of this contract shall not exceed \$595,000.

**DOCUMENT NAME** 20091119fslg09 PURCHASES (1004-01)

5. Approved a one-year renewal of a contract with Somerset Landscape Maintenance, Inc. for palm tree trimming services used by the Parks and Recreation Department.

**COMMENTS** (T08-023-01) Total cost of this contract shall not exceed \$60,000 for the anticipated expenditures in the current fiscal year.

**DOCUMENT NAME** 20091119fslg02 PURCHASES (1004-01)

6. Awarded **Contract #2009-220**, a two-year contract with three, one-year renewal options to Century Forms, Inc. for the printing of City forms utilized by departments throughout the City.

**COMMENTS** (RFP 10-030) Total cost of this contract shall not exceed \$125,000 for the initial two-year term of the contract.

**DOCUMENT NAME** 20091119fst03 PURCHASES (1004-01)

7. Awarded **Contract #2009-221**, a contract with Versaterm, Inc. for the purchase, implementation and annual maintenance support of a fully-intergraded Integrated Public Safety System for the Police department. This is a bond funded project on the approved CIP project list.

**COMMENTS** (RFP #09-039) Total amount not to exceed \$3,852,000.

**DOCUMENT NAME** 20091119fst08 PURCHASES (1004-01)

Mayor Hallman corrected the cost for this agenda item to \$3,852,000.

8. Approved **Contract #2007-220**, addendum no. 3 to a contract with CPC Construction, Inc. to extend the contract term and increase the contract amount, for minor concrete improvements, on-call maintenance and emergency repairs or grading.

**COMMENTS** Total cost for this addendum is \$650,948.32. This will bring the total contract amount to \$3,778,618, which includes the original contract amount of \$591,660 plus previous change orders and addenda in the amount of \$2,536,009.68.

**DOCUMENT NAME** 20091119PWDR02 STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5401413

9. Awarded **Contract #2009-222**, a one-year contract to American Ramp Company for the purchase and installation of modular skate and bike components in Hudson Park.

**COMMENTS** (RFP #10-018) Total amount not to exceed \$250,000.

**DOCUMENT NAME** 20091119fslg04 PURCHASES (1004-01)

10. Approved the utilization of a State of Arizona contract with Jones Lang LaSalle America, Inc. for brokerage services associated with the purchase or lease of property for use by the Fire Department.

**COMMENTS** (EPS050045) The total value of this contract will not exceed \$150,000. The firm's commission is paid by the property seller, therefore, there is no direct cost to the City.

**DOCUMENT NAME** 20091119fst05 PURCHASES (1004-01)

11. Approved the negotiation a one-year contract with four, one-year renewal options to United Health Care for a Medicare Advantage HMO (Health Maintenance Organization), Medicare Advantage PFFS (Private Fee for Service), Medicare supplement and

Medicare prescription drug plan for Medicare eligible retirees. The final contract will be submitted to Council for approval when completed.

**COMMENTS** (RFP10-031) Total cost of this contract will not exceed \$1,100,000.

**DOCUMENT NAME** 20091119fsta06 PURCHASES (1004-01)

12. Awarded **Contract #2009-223**, one-year contracts with four, one-year renewal options to Pro Petroleum, Supreme Oil and Western Refining for the purchase of vehicle and equipment fuels.

**COMMENTS** (RFP10-034) Total combined cost of the three contracts will not exceed \$3,000,000 for the initial one-year term of the contract.

**DOCUMENT NAME** 20091119fsta07 PURCHASES (1004-01)

13. Awarded **Contract #2009-224**, to EP2M, LLC, Oracle USA, Inc. and Pitney Bowes Software, Inc. for the purchase and implementation of a replacement utility billing system for the Customer Services Division of the Financial Services Department. This is a bond funded project on the approved Capital Improvement Program (CIP) project list.

**COMMENTS** (RFP #09-062) Total amount not to exceed \$2,144,095.10.

**DOCUMENT NAME** 20091119fst10 PURCHASES (1004-01)

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- D. Ordinances and Items for Second Hearing/Final Adoption

- E. Resolutions

1. Approved Resolution No. 2009.119, authorizing an Intergovernmental Agreement, **Contract #2009-225**, between the Tempe Union High School District and the City of Tempe for the provision of the Substance Abuse Prevention Services.

**COMMENTS** These services are funded by Arizona State Department of Education - Title IV, State Chemical Abuse and Tempe Community in Schools grants totaling \$50,146.00 for FY July 1, 2009 through June 30, 2010.

**DOCUMENT NAME** 20091119cskb01 TEMPE UNION HIGH SCHOOL DISTRICT (0109-14) Resolution No. 2009.119

2. Approved Resolution No. 2009.121, the First Amendment to the Development and Disposition Agreement, **Contract #2007-98A**, with Farmer Arts LLC.

<b>COMMENTS</b>	Three year time extension from May 31, 2010 to May 31, 2013.
<b>DOCUMENT NAME</b>	20091119cdls01 COMMUNITY DEVELOPMENT/REDEVELOPMENT ADM (0403-02-09) Resolution 2009.121.

3. Approved Resolution No. 2009. 123 as amended expressing the Tempe City Council's support for the City Manager's consolidation plan, which includes the consolidation, naming, and designation of specified City departments and offices.

<b>COMMENTS</b>	After consulting with the City Attorney, additional time is needed to appropriately identify and cross-reference all of the names, powers, and duties associated with the consolidation plan within the City Code. As a result, this resolution supporting consolidation is being presented to the Council on this agenda, and will be followed by a request to approve an ordinance that reflects the final consolidation plan as soon as possible.
<b>DOCUMENT NAME</b>	20091119cm01. DEPARTMENTAL REORGANIZATIONS (0105-05-01) Resolution No. 2009.123

Amended to state ".....City Manager has full support of Council to proceed with the creation of a consolidation plan....." and to strike from the resolution "...City Manager has the full support of Council to proceed with the consolidation and designation..."(of specified departments)

4. Approved Resolution No. 2009.122 which will submit to voters at the March 9, 2010 election a question increasing the hotel bed tax from 3% to 5%.

<b>COMMENTS</b>	The proposition will be consolidated with the March 9, 2010 Primary Election at an additional estimated cost of \$32,000 to \$50,000
<b>DOCUMENT NAME</b>	20091119casv01 BED TAX ELECTION (0506-28-03) Resolution No. 2009.122

## 6. PUBLIC APPEARANCES

Eleanor Holguin stated that the public appearances portion of the November 5 Formal meeting is missing from the televised version and asked why that happened. She further stated that upon leaving a meeting with AZ Post, she discovered Dan Kells in the parking lot and questioned the coincidence of an occurrence. She proved a photo as proof. Last week when her mother needed medical help, she declined to call for fear of 'cops' showing up at her door. Ms. Holguin went on to discuss the lack of investigation regarding Tom Ryff's conduct. Ms. Holguin also stated that her job with the Boys and Girls Club was lost because of her choice to speak on this matter when they informed her that it was a conflict of interest.

## **7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

Councilmember Arredondo commended the Fire Department on their valor and how highly trained they are in crisis situations.

Councilmember Woods stated that there is an opening on the Housing Trust Fund Advisory Board for a real estate lending expert. The APS Fantasy of Lights parade is Friday, November 27, 6:30 PM.

Councilmember Mitchell voiced happy birthday wishes to Vice Mayor Ellis.

Meeting adjourned at 8:15 p.m.

I, Jan Hort, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of November 20, 2009, by the Tempe City Council, Tempe, Arizona.

\_\_\_\_\_  
Hugh Hallman, Mayor

ATTEST:

\_\_\_\_\_  
Jan Hort, City Clerk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.